

AMENDED IN ASSEMBLY JUNE 2, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2130

Introduced by Assembly Member Huber
(Coauthor: Assembly Member Niello)
(Coauthor: Senator DeSaulnier)

February 18, 2010

An act to amend Sections 22, 101.1, 1917.2, 2001, 2450.3, 2460, 2531, 2569, 2570.19, 2602, 2607.5, 2701, 2841, 3010.5, 3502.1, 3504, 3685, 3710, 4001, 4615, 4800, 4809.8, 4989, 4990.24, 5000, 5510, 5810, 6510, 6710, 7304, 7501, 8710, 9882, 11506, and 22259 of, to amend and repeal Section 1601.1 of, to add Sections 7200.2, 7611, and 9815 to, and to repeal Division 1.2 (commencing with Section 473) of, the Business and Professions Code, and to amend Sections 9148.51 and 9148.52 of the Government Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2130, as amended, Huber. Professions and vocations: sunset review.

Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and, until January 1, 2012, requires the committee to hold public hearings at specified times and to evaluate whether a board or regulatory program has demonstrated a need for its continued existence. Existing law states the intent of the Legislature that all existing and proposed state boards be subject to review every 4 years to evaluate and determine whether each has demonstrated a public need for its continued existence, as specified.

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would instead make specified boards

and regulatory programs subject to review by the Joint Sunset Review Committee. The bill would provide that its provisions would not become operative unless Assembly Bill 1659 of the 2009–10 Regular Session is enacted and establishes the Joint Sunset Review Committee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22 of the Business and Professions Code
2 is amended to read:

3 22. (a) “Board,” as used in any provision of this code, refers
4 to the board in which the administration of the provision is vested,
5 and unless otherwise expressly provided, shall include “bureau,”
6 “commission,” “committee,” “department,” “division,” “examining
7 committee,” “program,” and “agency.”

8 (b) Whenever the regulatory program of a board that is subject
9 to review by the Joint Sunset Review Committee, as provided for
10 in Article 7.5 (commencing with Section 9147.7) of Chapter 1.5
11 of Part 1 of Division 2 of Title 2 of the Government Code, is taken
12 over by the department, that program shall be designated as a
13 “bureau.”

14 SEC. 2. Section 101.1 of the Business and Professions Code
15 is amended to read:

16 101.1. (a) It is the intent of the Legislature that all existing
17 and proposed consumer-related boards or categories of licensed
18 professionals be subject to a review every four years to evaluate
19 and determine whether each board has demonstrated a public need
20 for the continued existence of that board in accordance with
21 enumerated factors and standards as set forth in Article 7.5
22 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
23 Division 2 of Title 2 of the Government Code.

24 (b) (1) If any board, as defined in Section 22, becomes
25 inoperative or is repealed in accordance with the act that added
26 this section, or by subsequent acts, the Department of Consumer
27 Affairs shall succeed to and is vested with all the duties, powers,
28 purposes, responsibilities and jurisdiction not otherwise repealed
29 or made inoperative of that board and its executive officer.

30 (2) Any provision of existing law that provides for the
31 appointment of board members and specifies the qualifications

1 and tenure of board members shall not be implemented and shall
2 have no force or effect while that board is inoperative or repealed.
3 Every reference to the inoperative or repealed board, as defined
4 in Section 22, shall be deemed to be a reference to the department.

5 (3) Notwithstanding Section 107, any provision of law
6 authorizing the appointment of an executive officer by a board
7 subject to the review described in Article 7.5 (commencing with
8 Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2
9 of the Government Code, or prescribing his or her duties, shall not
10 be implemented and shall have no force or effect while the
11 applicable board is inoperative or repealed. Any reference to the
12 executive officer of an inoperative or repealed board shall be
13 deemed to be a reference to the director or his or her designee.

14 (c) It is the intent of the Legislature that subsequent legislation
15 to extend or repeal the inoperative date for any board shall be a
16 separate bill for that purpose.

17 SEC. 3. Division 1.2 (commencing with Section 473) of the
18 Business and Professions Code is repealed.

19 SEC. 4. Section 1601.1 of the Business and Professions Code,
20 as added by Section 1 of Chapter 35 of the Statutes of 2008, is
21 amended to read:

22 1601.1. (a) There shall be in the Department of Consumer
23 Affairs the Dental Board of California in which the administration
24 of this chapter is vested. The board shall consist of eight practicing
25 dentists, one registered dental hygienist, one registered dental
26 assistant, and four public members. Of the eight practicing dentists,
27 one shall be a member of a faculty of any California dental college,
28 and one shall be a dentist practicing in a nonprofit community
29 clinic. The appointing powers, described in Section 1603, may
30 appoint to the board a person who was a member of the prior board.
31 The board shall be organized into standing committees dealing
32 with examinations, enforcement, and other subjects as the board
33 deems appropriate.

34 (b) For purposes of this chapter, any reference in this chapter
35 to the Board of Dental Examiners shall be deemed to refer to the
36 Dental Board of California.

37 (c) The board shall have all authority previously vested in the
38 existing board under this chapter. The board may enforce all
39 disciplinary actions undertaken by the previous board.

(d) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date. The repeal of this section renders the board subject to the review required by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

SEC. 5. Section 1601.1 of the Business and Professions Code, as added by Section 3 of Chapter 31 of the Statutes of 2008, is repealed.

SEC. 6. Section 1917.2 of the Business and Professions Code is amended to read:

1917.2. (a) The committee shall license as a registered dental hygienist a third- or fourth-year dental student who is in good standing at an accredited California dental school and who satisfies the following requirements:

(1) Satisfactorily performs on a clinical examination and an examination in California law and ethics as prescribed by the committee.

(2) Satisfactorily completes a national written dental hygiene examination approved by the committee.

(b) A dental student who is granted a registered dental hygienist license pursuant to this section may only practice in a dental practice that serves patients who are insured under Denti-Cal, the Healthy Families Program, or other government programs, or a dental practice that has a sliding scale fee system based on income.

(c) Upon receipt of a license to practice dentistry pursuant to Section 1634, a registered dental hygienist license issued pursuant to this section is automatically revoked.

(d) The dental hygienist license is granted for two years upon passage of the dental hygiene examination, without the ability for renewal.

(e) Notwithstanding subdivision (d), if a dental student fails to remain in good standing at an accredited California dental school, or fails to graduate from the dental program, a registered dental hygienist license issued pursuant to this section shall be revoked. The student shall be responsible for submitting appropriate verifying documentation to the committee.

(f) The provisions of this section shall be reviewed pursuant to Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of

1 Part 1 of Division 2 of Title 2 of the Government Code. However,
2 the review shall be limited to the fiscal feasibility and impact on
3 the committee.

4 (g) This section shall become inoperative on January 1, 2012.

5 SEC. 7. Section 2001 of the Business and Professions Code is
6 amended to read:

7 2001. (a) There is in the Department of Consumer Affairs a
8 Medical Board of California that consists of 15 members, seven
9 of whom shall be public members.

10 (b) The Governor shall appoint 13 members to the board, subject
11 to confirmation by the Senate, five of whom shall be public
12 members. The Senate Committee on Rules and the Speaker of the
13 Assembly shall each appoint a public member.

14 (c) Notwithstanding any other provision of law, to reduce the
15 membership of the board to 15, the following shall occur:

16 (1) Two positions on the board that are public members having
17 a term that expires on June 1, 2010, shall terminate instead on
18 January 1, 2008.

19 (2) Two positions on the board that are not public members
20 having a term that expires on June 1, 2008, shall terminate instead
21 on August 1, 2008.

22 (3) Two positions on the board that are not public members
23 having a term that expires on June 1, 2011, shall terminate instead
24 on January 1, 2008.

25 (d) This section shall remain in effect only until January 1, 2013,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2013, deletes or extends that date. The
28 repeal of this section renders the board subject to the review
29 required by Article 7.5 (commencing with Section 9147.7) of
30 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
31 Code.

32 SEC. 8. Section 2450.3 of the Business and Professions Code
33 is amended to read:

34 2450.3. There is within the jurisdiction of the Osteopathic
35 Medical Board of California a Naturopathic Medicine Committee
36 authorized under the Naturopathic Doctors Act (Chapter 8.2
37 (commencing with Section 3610)). This section shall become
38 inoperative on January 1, 2013, and, as of that date is repealed,
39 unless a later enacted statute that is enacted before January 1, 2013,
40 deletes or extends that date. The repeal of this section renders the

1 Naturopathic Medicine Committee subject to the review required
2 by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5
3 of Part 1 of Division 2 of Title 2 of the Government Code.

4 SEC. 9. Section 2460 of the Business and Professions Code is
5 amended to read:

6 2460. (a) There is created within the jurisdiction of the Medical
7 Board of California the California Board of Podiatric Medicine.

8 (b) This section shall remain in effect only until January 1, 2013,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2013, deletes or extends that date. The
11 repeal of this section renders the California Board of Podiatric
12 Medicine subject to the review required by Article 7.5
13 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
14 Division 2 of Title 2 of the Government Code.

15 SEC. 10. Section 2531 of the Business and Professions Code
16 is amended to read:

17 2531. (a) There is in the Department of Consumer Affairs a
18 Speech-Language Pathology and Audiology and Hearing Aid
19 Dispensers Board in which the enforcement and administration of
20 this chapter are vested. The Speech-Language Pathology and
21 Audiology and Hearing Aid Dispensers Board shall consist of nine
22 members, three of whom shall be public members.

23 (b) This section shall remain in effect only until January 1, 2012,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2012, deletes or extends that date. The
26 repeal of this section renders the board subject to the review
27 required by Article 7.5 (commencing with Section 9147.7) of
28 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
29 Code.

30 SEC. 11. Section 2569 of the Business and Professions Code
31 is amended to read:

32 2569. The powers and duties of the board, as set forth in this
33 chapter, shall be subject to the review required by Article 7.5
34 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
35 Division 2 of Title 2 of the Government Code.

36 SEC. 12. Section 2570.19 of the Business and Professions
37 Code is amended to read:

38 2570.19. (a) There is hereby created a California Board of
39 Occupational Therapy, hereafter referred to as the board. The board
40 shall enforce and administer this chapter.

1 (b) The members of the board shall consist of the following:

2 (1) Three occupational therapists who shall have practiced
3 occupational therapy for five years.

4 (2) One occupational therapy assistant who shall have assisted
5 in the practice of occupational therapy for five years.

6 (3) Three public members who shall not be licentiates of the
7 board or of any board referred to in Section 1000 or 3600.

8 (c) The Governor shall appoint the three occupational therapists
9 and one occupational therapy assistant to be members of the board.

10 The Governor, the Senate Rules Committee, and the Speaker of
11 the Assembly shall each appoint a public member. Not more than
12 one member of the board shall be appointed from the full-time
13 faculty of any university, college, or other educational institution.

14 (d) All members shall be residents of California at the time of
15 their appointment. The occupational therapist and occupational
16 therapy assistant members shall have been engaged in rendering
17 occupational therapy services to the public, teaching, or research
18 in occupational therapy for at least five years preceding their
19 appointments.

20 (e) The public members may not be or have ever been
21 occupational therapists or occupational therapy assistants or in
22 training to become occupational therapists or occupational therapy
23 assistants. The public members may not be related to, or have a
24 household member who is, an occupational therapist or an
25 occupational therapy assistant, and may not have had, within two
26 years of the appointment, a substantial financial interest in a person
27 regulated by the board.

28 (f) The Governor shall appoint two board members for a term
29 of one year, two board members for a term of two years, and one
30 board member for a term of three years. Appointments made
31 thereafter shall be for four-year terms, but no person shall be
32 appointed to serve more than two consecutive terms. Terms shall
33 begin on the first day of the calendar year and end on the last day
34 of the calendar year or until successors are appointed, except for
35 the first appointed members who shall serve through the last
36 calendar day of the year in which they are appointed, before
37 commencing the terms prescribed by this section. Vacancies shall
38 be filled by appointment for the unexpired term. The board shall
39 annually elect one of its members as president.

1 (g) The board shall meet and hold at least one regular meeting
2 annually in the Cities of Sacramento, Los Angeles, and San
3 Francisco. The board may convene from time to time until its
4 business is concluded. Special meetings of the board may be held
5 at any time and place designated by the board.

6 (h) Notice of each meeting of the board shall be given in
7 accordance with the Bagley-Keene Open Meeting Act (Article 9
8 (commencing with Section 11120) of Chapter 1 of Part 1 of
9 Division 3 of Title 2 of the Government Code).

10 (i) Members of the board shall receive no compensation for
11 their services, but shall be entitled to reasonable travel and other
12 expenses incurred in the execution of their powers and duties in
13 accordance with Section 103.

14 (j) The appointing power shall have the power to remove any
15 member of the board from office for neglect of any duty imposed
16 by state law, for incompetency, or for unprofessional or
17 dishonorable conduct.

18 (k) A loan is hereby authorized from the General Fund to the
19 Occupational Therapy Fund on or after July 1, 2000, in an amount
20 of up to one million dollars (\$1,000,000) to fund operating,
21 personnel, and other startup costs of the board. Six hundred ten
22 thousand dollars (\$610,000) of this loan amount is hereby
23 appropriated to the board to use in the 2000–01 fiscal year for the
24 purposes described in this subdivision. In subsequent years, funds
25 from the Occupational Therapy Fund shall be available to the board
26 upon appropriation by the Legislature in the annual Budget Act.
27 The loan shall be repaid to the General Fund over a period of up
28 to five years, and the amount paid shall also include interest at the
29 rate accruing to moneys in the Pooled Money Investment Account.
30 The loan amount and repayment period shall be minimized to the
31 extent possible based upon actual board financing requirements
32 as determined by the Department of Finance.

33 (l) This section shall become inoperative on July 1, 2013, and,
34 as of January 1, 2014, is repealed, unless a later enacted statute
35 that is enacted before January 1, 2014, deletes or extends the dates
36 on which it becomes inoperative and is repealed. The repeal of
37 this section renders the board subject to the review required by
38 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
39 Part 1 of Division 2 of Title 2 of the Government Code.

1 SEC. 13. Section 2602 of the Business and Professions Code
2 is amended to read:

3 2602. The Physical Therapy Board of California, hereafter
4 referred to as the board, shall enforce and administer this chapter.
5 This section shall become inoperative on July 1, 2013, and, as of
6 January 1, 2014, is repealed, unless a later enacted statute, which
7 becomes effective on or before January 1, 2014, deletes or extends
8 the dates on which it becomes inoperative and is repealed.

9 The repeal of this section renders the board subject to the review
10 required by Article 7.5 (commencing with Section 9147.7) of
11 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
12 Code.

13 SEC. 14. Section 2607.5 of the Business and Professions Code
14 is amended to read:

15 2607.5. The board may appoint a person exempt from civil
16 service who shall be designated as an executive officer and who
17 shall exercise the powers and perform the duties delegated by the
18 board and vested in him or her by this chapter.

19 This section shall become inoperative on July 1, 2013, and, as
20 of January 1, 2014, is repealed, unless a later enacted statute, which
21 becomes effective on or before January 1, 2014, deletes or extends
22 the dates on which it becomes inoperative and is repealed.

23 SEC. 15. Section 2701 of the Business and Professions Code
24 is amended to read:

25 2701. (a) There is in the Department of Consumer Affairs the
26 Board of Registered Nursing consisting of nine members.

27 (b) Within the meaning of this chapter, board, or the board,
28 refers to the Board of Registered Nursing. Any reference in state
29 law to the Board of Nurse Examiners of the State of California or
30 California Board of Nursing Education and Nurse Registration
31 shall be construed to refer to the Board of Registered Nursing.

32 (c) This section shall remain in effect only until January 1, 2013,
33 and as of that date is repealed, unless a later enacted statute, that
34 is enacted before January 1, 2013, deletes or extends that date. The
35 repeal of this section renders the board subject to the review
36 required by Article 7.5 (commencing with Section 9147.7) of
37 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
38 Code.

39 SEC. 16. Section 2841 of the Business and Professions Code
40 is amended to read:

1 2841. (a) There is in the Department of Consumer Affairs a
2 Board of Vocational Nursing and Psychiatric Technicians of the
3 State of California, consisting of 11 members.

4 (b) Within the meaning of this chapter, “board,” or “the board,”
5 refers to the Board of Vocational Nursing and Psychiatric
6 Technicians of the State of California.

7 (c) This section shall remain in effect only until January 1, 2012,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2012, deletes or extends that date. The
10 repeal of this section renders the board subject to the review
11 required by Article 7.5 (commencing with Section 9147.7) of
12 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
13 Code.

14 SEC. 17. Section 3010.5 of the Business and Professions Code
15 is amended to read:

16 3010.5. (a) There is in the Department of Consumer Affairs
17 a State Board of Optometry in which the enforcement of this
18 chapter is vested. The board consists of 11 members, five of whom
19 shall be public members.

20 Six members of the board shall constitute a quorum.

21 (b) The board shall, with respect to conducting investigations,
22 inquiries, and disciplinary actions and proceedings, have the
23 authority previously vested in the board as created pursuant to
24 Section 3010. The board may enforce any disciplinary actions
25 undertaken by that board.

26 (c) This section shall remain in effect only until January 1, 2013,
27 and as of that date is repealed, unless a later enacted statute, that
28 is enacted before January 1, 2013, deletes or extends that date. The
29 repeal of this section renders the board subject to the review
30 required by Article 7.5 (commencing with Section 9147.7) of
31 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
32 Code.

33 SEC. 18. Section 3502.1 of the Business and Professions Code
34 is amended to read:

35 3502.1. (a) In addition to the services authorized in the
36 regulations adopted by the board, and except as prohibited by
37 Section 3502, while under the supervision of a licensed physician
38 and surgeon or physicians and surgeons authorized by law to
39 supervise a physician assistant, a physician assistant may
40 administer or provide medication to a patient, or transmit orally,

1 or in writing on a patient's record or in a drug order, an order to a
2 person who may lawfully furnish the medication or medical device
3 pursuant to subdivisions (c) and (d).

4 (1) A supervising physician and surgeon who delegates authority
5 to issue a drug order to a physician assistant may limit this authority
6 by specifying the manner in which the physician assistant may
7 issue delegated prescriptions.

8 (2) Each supervising physician and surgeon who delegates the
9 authority to issue a drug order to a physician assistant shall first
10 prepare and adopt, or adopt, a written, practice specific, formulary
11 and protocols that specify all criteria for the use of a particular
12 drug or device, and any contraindications for the selection.
13 Protocols for Schedule II controlled substances shall address the
14 diagnosis of illness, injury, or condition for which the Schedule II
15 controlled substance is being administered, provided, or issued.
16 The drugs listed in the protocols shall constitute the formulary and
17 shall include only drugs that are appropriate for use in the type of
18 practice engaged in by the supervising physician and surgeon.
19 When issuing a drug order, the physician assistant is acting on
20 behalf of and as an agent for a supervising physician and surgeon.

21 (b) "Drug order" for purposes of this section means an order
22 for medication that is dispensed to or for a patient, issued and
23 signed by a physician assistant acting as an individual practitioner
24 within the meaning of Section 1306.02 of Title 21 of the Code of
25 Federal Regulations. Notwithstanding any other provision of law,
26 (1) a drug order issued pursuant to this section shall be treated in
27 the same manner as a prescription or order of the supervising
28 physician, (2) all references to "prescription" in this code and the
29 Health and Safety Code shall include drug orders issued by
30 physician assistants pursuant to authority granted by their
31 supervising physicians and surgeons, and (3) the signature of a
32 physician assistant on a drug order shall be deemed to be the
33 signature of a prescriber for purposes of this code and the Health
34 and Safety Code.

35 (c) A drug order for any patient cared for by the physician
36 assistant that is issued by the physician assistant shall either be
37 based on the protocols described in subdivision (a) or shall be
38 approved by the supervising physician and surgeon before it is
39 filled or carried out.

1 (1) A physician assistant shall not administer or provide a drug
2 or issue a drug order for a drug other than for a drug listed in the
3 formulary without advance approval from a supervising physician
4 and surgeon for the particular patient. At the direction and under
5 the supervision of a physician and surgeon, a physician assistant
6 may hand to a patient of the supervising physician and surgeon a
7 properly labeled prescription drug prepackaged by a physician and
8 surgeon, manufacturer as defined in the Pharmacy Law, or a
9 pharmacist.

10 (2) A physician assistant may not administer, provide, or issue
11 a drug order to a patient for Schedule II through Schedule V
12 controlled substances without advance approval by a supervising
13 physician and surgeon for that particular patient unless the
14 physician assistant has completed an education course that covers
15 controlled substances and that meets standards, including
16 pharmacological content, approved by the committee. The
17 education course shall be provided either by an accredited
18 continuing education provider or by an approved physician assistant
19 training program. If the physician assistant will administer, provide,
20 or issue a drug order for Schedule II controlled substances, the
21 course shall contain a minimum of three hours exclusively on
22 Schedule II controlled substances. Completion of the requirements
23 set forth in this paragraph shall be verified and documented in the
24 manner established by the committee prior to the physician
25 assistant's use of a registration number issued by the United States
26 Drug Enforcement Administration to the physician assistant to
27 administer, provide, or issue a drug order to a patient for a
28 controlled substance without advance approval by a supervising
29 physician and surgeon for that particular patient.

30 (3) Any drug order issued by a physician assistant shall be
31 subject to a reasonable quantitative limitation consistent with
32 customary medical practice in the supervising physician and
33 surgeon's practice.

34 (d) A written drug order issued pursuant to subdivision (a),
35 except a written drug order in a patient's medical record in a health
36 facility or medical practice, shall contain the printed name, address,
37 and phone number of the supervising physician and surgeon, the
38 printed or stamped name and license number of the physician
39 assistant, and the signature of the physician assistant. Further, a
40 written drug order for a controlled substance, except a written drug

1 order in a patient's medical record in a health facility or a medical
2 practice, shall include the federal controlled substances registration
3 number of the physician assistant and shall otherwise comply with
4 the provisions of Section 11162.1 of the Health and Safety Code.
5 Except as otherwise required for written drug orders for controlled
6 substances under Section 11162.1 of the Health and Safety Code,
7 the requirements of this subdivision may be met through stamping
8 or otherwise imprinting on the supervising physician and surgeon's
9 prescription blank to show the name, license number, and if
10 applicable, the federal controlled substances number of the
11 physician assistant, and shall be signed by the physician assistant.
12 When using a drug order, the physician assistant is acting on behalf
13 of and as the agent of a supervising physician and surgeon.

14 (e) The medical record of any patient cared for by a physician
15 assistant for whom the physician assistant's Schedule II drug order
16 has been issued or carried out shall be reviewed and countersigned
17 and dated by a supervising physician and surgeon within seven
18 days.

19 (f) All physician assistants who are authorized by their
20 supervising physicians to issue drug orders for controlled
21 substances shall register with the United States Drug Enforcement
22 Administration (DEA).

23 (g) The committee shall consult with the Medical Board of
24 California and report during its sunset review required by Article
25 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
26 Division 2 of Title 2 of the Government Code the impacts of
27 exempting Schedule III and Schedule IV drug orders from the
28 requirement for a physician and surgeon to review and countersign
29 the affected medical record of a patient.

30 SEC. 19. Section 3504 of the Business and Professions Code
31 is amended to read:

32 3504. There is established a Physician Assistant Committee
33 of the Medical Board of California. The committee consists of
34 nine members. This section shall become inoperative on July 1,
35 2011, and, as of January 1, 2012, is repealed, unless a later enacted
36 statute, which becomes effective on or before January 1, 2012,
37 deletes or extends the dates on which it becomes inoperative and
38 is repealed. The repeal of this section renders the committee subject
39 to the review required by Article 7.5 (commencing with Section

1 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
2 Government Code.

3 SEC. 20. Section 3685 of the Business and Professions Code
4 is amended to read:

5 3685. The repeal of this chapter renders the committee subject
6 to the review required by Article 7.5 (commencing with Section
7 9147.7) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
8 Government Code.

9 SEC. 21. Section 3710 of the Business and Professions Code
10 is amended to read:

11 3710. (a) The Respiratory Care Board of California, hereafter
12 referred to as the board, shall enforce and administer this chapter.

13 (b) This section shall remain in effect only until January 1, 2013,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2013, deletes or extends that date. The
16 repeal of this section renders the board subject to the review
17 required by Article 7.5 (commencing with Section 9147.7) of
18 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
19 Code.

20 SEC. 22. Section 4001 of the Business and Professions Code
21 is amended to read:

22 4001. (a) There is in the Department of Consumer Affairs a
23 California State Board of Pharmacy in which the administration
24 and enforcement of this chapter is vested. The board consists of
25 13 members.

26 (b) The Governor shall appoint seven competent pharmacists
27 who reside in different parts of the state to serve as members of
28 the board. The Governor shall appoint four public members, and
29 the Senate Committee on Rules and the Speaker of the Assembly
30 shall each appoint a public member who shall not be a licensee of
31 the board, any other board under this division, or any board referred
32 to in Section 1000 or 3600.

33 (c) At least five of the seven pharmacist appointees to the board
34 shall be pharmacists who are actively engaged in the practice of
35 pharmacy. Additionally, the membership of the board shall include
36 at least one pharmacist representative from each of the following
37 practice settings: an acute care hospital, an independent community
38 pharmacy, a chain community pharmacy, and a long-term health
39 care or skilled nursing facility. The pharmacist appointees shall
40 also include a pharmacist who is a member of a labor union that

1 represents pharmacists. For the purposes of this subdivision, a
2 “chain community pharmacy” means a chain of 75 or more stores
3 in California under the same ownership, and an “independent
4 community pharmacy” means a pharmacy owned by a person or
5 entity who owns no more than four pharmacies in California.

6 (d) Members of the board shall be appointed for a term of four
7 years. No person shall serve as a member of the board for more
8 than two consecutive terms. Each member shall hold office until
9 the appointment and qualification of his or her successor or until
10 one year shall have elapsed since the expiration of the term for
11 which the member was appointed, whichever first occurs.
12 Vacancies occurring shall be filled by appointment for the
13 unexpired term.

14 (e) Each member of the board shall receive a per diem and
15 expenses as provided in Section 103.

16 (f) This section shall remain in effect only until January 1, 2013,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2013, deletes or extends that date. The
19 repeal of this section renders the board subject to the review
20 required by Article 7.5 (commencing with Section 9147.7) of
21 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
22 Code.

23 SEC. 23. Section 4615 of the Business and Professions Code
24 is amended to read:

25 4615. This chapter shall be subject to the review required by
26 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
27 Part 1 of Division 2 of Title 2 of the Government Code.

28 SEC. 24. Section 4800 of the Business and Professions Code
29 is amended to read:

30 4800. There is in the Department of Consumer Affairs a
31 Veterinary Medical Board in which the administration of this
32 chapter is vested. The board consists of seven members, three of
33 whom shall be public members.

34 This section shall become inoperative on July 1, 2011, and, as
35 of January 1, 2012, is repealed, unless a later enacted statute, which
36 becomes effective on or before January 1, 2012, deletes or extends
37 the dates on which it becomes inoperative and is repealed.

38 The repeal of this section renders the board subject to the review
39 provided for by Article 7.5 (commencing with Section 9147.7) of

1 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
2 Code.

3 SEC. 25. Section 4809.8 of the Business and Professions Code
4 is amended to read:

5 4809.8. (a) The board shall appoint a voluntary, advisory
6 multidisciplinary committee to assist, advise, and make
7 recommendations for the implementation of rules and regulations
8 necessary to ensure proper administration and enforcement of this
9 chapter. Members of the committee shall be appointed from lists
10 of nominees solicited by the board. The committee shall consist
11 of no more than nine members.

12 (b) The committee shall be subject to the requirements of Article
13 9 (commencing with Section 11120) of Chapter 1 of Part 1 of
14 Division 3 of Title 2 of the Government Code.

15 (c) Committee members shall receive a per diem as provided
16 in Section 103 and shall be compensated for their actual travel
17 expenses in accordance with the rules and regulations adopted by
18 the Department of Personnel Administration.

19 (d) This section shall become inoperative on July 1, 2011, and
20 as of January 1, 2012, is repealed, unless a later enacted statute,
21 that becomes operative on or before January 1, 2012, deletes or
22 extends the dates on which it becomes inoperative and is repealed.
23 The repeal of this section renders the committee subject to the
24 review required by Article 7.5 (commencing with Section 9147.7)
25 of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
26 Code.

27 SEC. 26. Section 4989 of the Business and Professions Code
28 is amended to read:

29 4989. The powers and duties of the board, as set forth in this
30 chapter, shall be subject to the review required by Article 7.5
31 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
32 Division 2 of Title 2 of the Government Code.

33 SEC. 27. Section 4990.24 of the Business and Professions
34 Code is amended to read:

35 4990.24. The powers and duties of the board, as set forth in
36 this chapter, shall be subject to the review required by Article 7.5
37 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
38 Division 2 of Title 2 of the Government Code.

39 SEC. 28. Section 5000 of the Business and Professions Code
40 is amended to read:

1 5000. There is in the Department of Consumer Affairs the
2 California Board of Accountancy, which consists of 15 members,
3 seven of whom shall be licensees, and eight of whom shall be
4 public members who shall not be licentiates of the board or
5 registered by the board. The board has the powers and duties
6 conferred by this chapter.

7 The Governor shall appoint four of the public members, and the
8 seven licensee members as provided in this section. The Senate
9 Rules Committee and the Speaker of the Assembly shall each
10 appoint two public members. In appointing the seven licensee
11 members, the Governor shall appoint members representing a cross
12 section of the accounting profession with at least two members
13 representing a small public accounting firm. For the purposes of
14 this chapter, a small public accounting firm shall be defined as a
15 professional firm that employs a total of no more than four
16 licensees as partners, owners, or full-time employees in the practice
17 of public accountancy within the State of California.

18 This section shall become inoperative on July 1, 2011, and as
19 of January 1, 2012, is repealed, unless a later enacted statute, that
20 becomes effective on or before January 1, 2012, deletes or extends
21 the dates on which this section becomes inoperative and is repealed.
22 The repeal of this section renders the board subject to the review
23 required by Article 7.5 (commencing with Section 9147.7) of
24 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
25 Code. However, the review of the board shall be limited to reports
26 or studies specified in this chapter and those issues identified by
27 the Joint Sunset Review Committee and the board regarding the
28 implementation of new licensing requirements.

29 SEC. 29. Section 5510 of the Business and Professions Code
30 is amended to read:

31 5510. There is in the Department of Consumer Affairs a
32 California Architects Board which consists of 10 members.

33 Any reference in law to the California Board of Architectural
34 Examiners shall mean the California Architects Board.

35 This section shall become inoperative on July 1, 2011, and, as
36 of January 1, 2012, is repealed, unless a later enacted statute, which
37 becomes effective on or before January 1, 2012, deletes or extends
38 the dates on which it becomes inoperative and is repealed. The
39 repeal of this section renders the board subject to the review
40 required by Article 7.5 (commencing with Section 9147.7) of

1 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
2 Code.

3 SEC. 30. Section 5810 of the Business and Professions Code
4 is amended to read:

5 5810. (a) This chapter shall be subject to the review required
6 by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5
7 of Part 1 of Division 2 of Title 2 of the Government Code.

8 (b) This chapter shall remain in effect only until January 1,
9 2013, and as of that date is repealed, unless a later enacted statute,
10 that is enacted before January 1, 2013, deletes or extends that date.

11 SEC. 31. Section 6510 of the Business and Professions Code
12 is amended to read:

13 6510. (a) There is within the jurisdiction of the department
14 the Professional Fiduciaries Bureau. The bureau is under the
15 supervision and control of the director. The duty of enforcing and
16 administering this chapter is vested in the chief of the bureau, who
17 is responsible to the director. Every power granted or duty imposed
18 upon the director under this chapter may be exercised or performed
19 in the name of the director by a deputy director or by the chief,
20 subject to conditions and limitations as the director may prescribe.

21 (b) The Governor shall appoint, subject to confirmation by the
22 Senate, the chief of the bureau, at a salary to be fixed and
23 determined by the director with the approval of the Director of
24 Finance. The chief shall serve under the direction and supervision
25 of the director and at the pleasure of the Governor.

26 (c) This section shall become inoperative on July 1, 2011, and,
27 as of January 1, 2012, is repealed, unless a later enacted statute,
28 that becomes operative on or before January 1, 2012, deletes or
29 extends the dates on which it becomes inoperative and is repealed.
30 The repeal of this section renders the bureau subject to the review
31 required by Article 7.5 (commencing with Section 9147.7) of
32 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
33 Code.

34 Notwithstanding any other provision of law, upon the repeal of
35 this section, the responsibilities and jurisdiction of the bureau shall
36 be transferred to the Professional Fiduciaries Advisory Committee,
37 as provided by Section 6511.

38 SEC. 32. Section 6710 of the Business and Professions Code
39 is amended to read:

1 6710. (a) There is in the Department of Consumer Affairs a
2 Board for Professional Engineers and Land Surveyors, which
3 consists of 13 members.

4 (b) Any reference in any law or regulation to the Board of
5 Registration for Professional Engineers and Land Surveyors is
6 deemed to refer to the Board for Professional Engineers and Land
7 Surveyors.

8 (c) This section shall become inoperative on July 1, 2011, and,
9 as of January 1, 2012, is repealed, unless a later enacted statute,
10 that becomes effective on or before January 1, 2012, deletes or
11 extends the dates on which it becomes inoperative and is repealed.
12 The repeal of this section renders the board subject to the review
13 required by Article 7.5 (commencing with Section 9147.7) of
14 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
15 Code.

16 SEC. 33. Section 7200.2 is added to the Business and
17 Professions Code, to read:

18 7200.2. The board shall be subject to the review required by
19 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
20 Part 1 of Division 2 of Title 2 of the Government Code.

21 SEC. 34. Section 7304 of the Business and Professions Code
22 is amended to read:

23 7304. The board shall be subject to review pursuant to Article
24 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
25 Division 2 of Title 2 of the Government Code.

26 SEC. 35. Section 7501 of the Business and Professions Code
27 is amended to read:

28 7501. (a) There is in the Department of Consumer Affairs a
29 Bureau of Security and Investigative Services. The bureau is under
30 the supervision and control of the director. The director shall
31 administer and enforce the provisions of this chapter.

32 (b) The bureau shall be subject to the review required by Article
33 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
34 Division 2 of Title 2 of the Government Code.

35 SEC. 36. Section 7611 is added to the Business and Professions
36 Code, to read:

37 7611. The bureau shall be subject to the review required by
38 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
39 Part 1 of Division 2 of Title 2 of the Government Code.

1 SEC. 37. Section 8710 of the Business and Professions Code
2 is amended to read:

3 8710. (a) The Board for Professional Engineers and Land
4 Surveyors is vested with power to administer the provisions and
5 requirements of this chapter, and may make and enforce rules and
6 regulations that are reasonably necessary to carry out its provisions.

7 (b) The board may adopt rules and regulations of professional
8 conduct that are not inconsistent with state and federal law. The
9 rules and regulations may include definitions of incompetence and
10 negligence. Every person who holds a license or certificate issued
11 by the board pursuant to this chapter, or a license or certificate
12 issued to a civil engineer pursuant to Chapter 7 (commencing with
13 Section 6700), shall be governed by these rules and regulations.

14 (c) This section shall become inoperative on July 1, 2011, and,
15 as of January 1, 2012, is repealed, unless a later enacted statute,
16 which becomes effective on or before January 1, 2012, deletes or
17 extends the dates on which it becomes inoperative and is repealed.
18 The repeal of this section shall render the board subject to the
19 review required by Article 7.5 (commencing with Section 9147.7)
20 of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
21 Code.

22 SEC. 38. Section 9815 is added to the Business and Professions
23 Code, to read:

24 9815. The bureau shall be subject to the review required by
25 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
26 Part 1 of Division 2 of Title 2 of the Government Code.

27 SEC. 39. Section 9882 of the Business and Professions Code
28 is amended to read:

29 9882. (a) There is in the Department of Consumer Affairs a
30 Bureau of Automotive Repair under the supervision and control
31 of the director. The duty of enforcing and administering this chapter
32 is vested in the chief who is responsible to the director. The director
33 may adopt and enforce those rules and regulations that he or she
34 determines are reasonably necessary to carry out the purposes of
35 this chapter and declaring the policy of the bureau, including a
36 system for the issuance of citations for violations of this chapter
37 as specified in Section 125.9. These rules and regulations shall be
38 adopted pursuant to Chapter 3.5 (commencing with Section 11340)
39 of Part 1 of Division 3 of Title 2 of the Government Code.

1 (b) In 2003 and every four years thereafter, the Joint Sunset
2 Review Committee shall hold a public hearing to receive testimony
3 from the Director of Consumer Affairs and the bureau. In those
4 hearings, the bureau shall have the burden of demonstrating a
5 compelling public need for the continued existence of the bureau
6 and its regulatory program, and that its function is the least
7 restrictive regulation consistent with the public health, safety, and
8 welfare. The committee shall evaluate and review the effectiveness
9 and efficiency of the bureau and shall report its findings and
10 recommendations to the Legislature as specified in Article 7.5
11 (commencing with Section 9147.7) of Chapter 1.5 of Part 1 of
12 Division 2 of Title 2 of the Government Code. The bureau shall
13 prepare an analysis and submit a report to the committee as
14 specified in subdivision (c) of Section 9147.7 of the Government
15 Code.

16 SEC. 40. Section 11506 of the Business and Professions Code
17 is amended to read:

18 11506. This part shall be subject to the review required by
19 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
20 Part 1 of Division 2 of Title 2 of the Government Code. This part
21 shall remain in effect only until January 1, 2012, and as of that
22 date is repealed, unless a later enacted statute, that is enacted before
23 January 1, 2012, deletes or extends that date.

24 SEC. 41. Section 22259 of the Business and Professions Code
25 is amended to read:

26 22259. This chapter shall be subject to the review required by
27 Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of
28 Part 1 of Division 2 of Title 2 of the Government Code.

29 This chapter shall remain in effect only until January 1, 2012,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2012, deletes or extends that date.

32 SEC. 42. Section 9148.51 of the Government Code is amended
33 to read:

34 9148.51. (a) It is the intent of the Legislature that all existing
35 and proposed state boards be subject to review every four years
36 to evaluate and determine whether each has demonstrated a public
37 need for its continued existence in accordance with enumerated
38 factors and standards as set forth in Article 7.5 (commencing with
39 Section 9147.7).

1 (b) If any state board becomes inoperative or is repealed in
2 accordance with the act that added this section, any provision of
3 existing law that provides for the appointment of board members
4 and specifies the qualifications and tenure of board members shall
5 not be implemented and shall have no force or effect while that
6 state board is inoperative or repealed.

7 (c) Any provision of law authorizing the appointment of an
8 executive officer by a state board subject to the review described
9 in Article 7.5 (commencing with Section 9147.7), or prescribing
10 his or her duties, shall not be implemented and shall have no force
11 or effect while the applicable state board is inoperative or repealed.

12 (d) It is the intent of the Legislature that subsequent legislation
13 to extend or repeal the inoperative date for any state board shall
14 be a separate bill for that purpose.

15 SEC. 43. Section 9148.52 of the Government Code is amended
16 to read:

17 9148.52. (a) The Joint Sunset Review Committee established
18 pursuant to Section 9147.7 shall review all state boards, as defined
19 in Section 9148.2, every four years.

20 (b) The committee shall evaluate and make determinations
21 pursuant to Article 7.5 (commencing with Section 9147.7).

22 SEC. 44. ~~This~~*The provisions of this* act shall not become
23 operative unless Assembly Bill 1659 of the 2009–10 Regular
24 Session is also enacted and becomes operative on or before January
25 1, 2011, and adds Article 7.5 (commencing with Section 9147.7)
26 to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
27 Code to establish the Joint Sunset Review Committee.